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United Nations post-conflict deployment to Libya

1. The Consolidated Report of the Integrated Pre-Assessment Process for Libya Post-Conflict Planning (attached), which is the outcome of a process involving Secretariat departments and offices and UN agencies, funds and programmes, together with the World Bank and the International Organization for Migration, identifies key post-conflict risks, challenges and priorities (p.30-39), and principles on the basis of which multi-dimensional UN engagement in Libya should be designed (p.40-41). This note sets out proposals which have been and are continuing to be developed for UN post-conflict deployment to Libya, in order to respond rapidly to requests from Libyan transitional authorities for UN assistance in addressing these priorities.
2. A concept has been developed for an integrated advance political mission to be recommended to and mandated by the Security Council soon as developments, including consultations with Libyan transitional authorities, make this appropriate. The mission would be under the authority of an SRSG and with a Deputy SRSG/RC and mandated for an initial three months. The mission would comprise senior staff able to offer immediate advice to transitional authorities while discussing with them the areas in which they may desire further UN support.
3. The priorities of the mission will be to assist the transitional authorities in their efforts to manage a peaceful, orderly and democratic transition process to meet the aspirations of the Libyan people. In particular, the mission will support national efforts to:
 - restore public security and order and promote rule of law;
 - lead inclusive political dialogue, promote national reconciliation, and determine the constitution-making and electoral process;
 - extend state authority, including through strengthening emerging accountable institutions and the restoration of public services;
 - protect human rights, particularly for vulnerable groups, and support transitional justice;
 - take the immediate steps required to initiate economic recovery;
 - coordinate support that may be requested from other multilateral and bilateral actors; and
 - maintain mutually supportive relationships with Libya's neighbours.

Restoring public security and rule of law

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Stabilization and preventing military spoilers

4. One of the challenges in the public order field will be the existence of various military or para-military formations under not always clear and solid command and control arrangements. These include the forces that fought on the side of the Qadhafi government, who will have lost their command and control once the government falls, as well as the different formations commanded by or associated with the TNC.
5. If requested by the Libyans and authorized by the Council, the UN could contribute to confidence-building, and to the implementation of agreed military tasks, through unarmed UN military observer (UNMOs). Such confidence-building might be necessary for the troops of the Qadhafi government which will find themselves under the control of hostile forces. The UNMOs might also act as some deterrence against ill treatment of the former enemy by rogue elements. In addition, the UNMOs would be a flexible tool for the SRSg to provide "impartial eyes and ears" in case of incidents. Finally, the UNMOs would support the SRSg by acting as a liaison to the various military actors (including internationals, if any)
6. DPKO has developed a concept of operations for up to 200 UNMOs with classic monitoring tasks – monitoring withdrawals, positions and movements, cantonments, weapons storage, etc. These classic tasks would have to be adapted for the specific case of Libya as it has developed. DPKO/OMA has identified five officers from its own staff for rapid deployment, as well as about 50 UNMOs able to be redeployed immediately from existing missions, with the agreement of contributors having already been obtained. Additional UNMOs from Arabic-speaking countries have been requested to provide the remaining officers needed
7. The Security Council was informed that if an interim protection force is required to enable this deployment of unarmed UNMOs, given the time needed for the United Nations to generate and deploy troops, such a presence would have to come – if requested by the Libyans and authorized by the Council – from some other source, such as a multi-national force under a lead nation command. Two Member States have been provided with the force requirements for the protection element, and their reactions are awaited. However, the first assumption would be that the UNMOs (as well as the UNPol) would be able to rely on the same protection as their civilian colleagues
8. If the stabilization of Tripoli after the collapse of the Qadhafi government becomes such a major challenge that the transitional authorities seek more robust international assistance, this is a task clearly beyond the capacity of the UN. In this situation, the only viable option to ensure a safe environment in Tripoli are the transitional authorities themselves, with the advice of those who are already assisting or advising them. The Security Council's "protection of civilians" mandate implemented by NATO does not end with the fall of the Qadhafi government and, therefore, NATO would continue to have some responsibilities.

Restoration of public security

9. The restoration of public security, in particular in Tripoli, is foremost a police (not military) task. Experience so far indicates that part of the existing police force will continue to function, together with neighbourhood watch organizations, citizens' militias and other self-organized groups. A major challenge would be the trust of the population in these various groups and their capacity. If requested by the Libyans and authorized by the Council, UN police officers (UNPol) could help to address this twin challenge through co-location and monitoring of the local police forces (i.e. increasing the confidence of the citizens in their impartiality), and through mentoring and on-the-job training (i.e. increasing the capacity).
10. DPKO has developed a concept of operations for this kind of UN police deployment, which foresees a deployment of 78 UNPol after 45 days and 190 after 90 days. The concept assumes that some other source (the host authorities or perhaps the European Gendarmerie) provides formed police units for protection, if this is needed. DPKO/PD could make 7-10 officers from its Standing Police Capacity available for rapid deployment. Initial plans have been made to generate the additional officers, but are awaiting a decision for their activation; it has to be assumed that it will take at least 4-6 weeks to generate the required number of UNPol from the time of decision.

Liaison and planning

11. Even in the absence of any direct UN security or monitoring mandate, and of any other international deployment of military or police personnel, a military adviser and a police adviser, heading small teams of military and police liaison officers, will be required in the mission. Their tasks would be to advise the SRSF on military and police matters, establish and maintain communication with Libyan security forces of various kinds as well as any international forces, and to plan for any military or police tasks which might emerge in the course of the mission's consultations. No specific Council mandate would be needed for these kinds of tasks, other than the general mandate for the mission. The small teams required could be staffed by the officers whom DPKO/OMA is willing to deploy from its own staff and from the DPKO/PD standing police capacity.

Explosive remnants of war and mine action

12. The UN Mine Action Service is already active as part of the humanitarian effort in parts of the country already accessible, and has well-developed plans to assist Libyans in addressing countrywide needs after the end of the conflict. It would also coordinate any mine clearance action needed in case of an operational UN military or police mandate, as well as support the disposal of unexploded ordnance, explosive remnants of war, and the destruction of weapons and ammunition as part of a possible demobilization scheme.

Promotion of the rule of law

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13. Senior civilian advisers in the areas of public security, rule of law, security sector, and DDR, some of whom may be contributed by UNDP and UNODC, are high priorities for deployment in the mission, without prejudice to the choices Libyan authorities may eventually make regarding needs for assistance in these areas.

Political dialogue, national reconciliation, constitution-making and electoral process

Principles and sequencing of the transition

14. The immediate focus of the Special Representative and the political team deployed as part of the mission will be to support transitional authorities in establishing their credibility as inclusive, transparent and accountable, and committed to a democratic transition to representative institutions. To inform those engaging with Libyan actors on behalf of the UN, DPA/MSU has developed principles for the transition in Libya and the sequencing of transitional steps which represent a confluence of the principal elements of transitional planning by actors within Libya and of UN principles:
 - The transition process is the emanation of the will of the people of Libya and will be conducted fully respecting the sovereignty, territorial integrity and unity of the country.
 - Transitional governance needs to be fully inclusive. This requirement of inclusivity also covers the initial interim government that may be formed and a National Consultative or Transitional Council established prior to elections. Inclusivity extends to all regions and ethnic groups within Libya, to civil society and to women and other social groups.
 - The transition will offer equal social, economic and political opportunities for all in Libya, including those groups or individuals who may have had links with G0L, other than its top leadership and those involved in war crimes, crimes against humanity and serious human rights abuses.
 - The exercise of all public functions during and after the transition shall be informed by principles of accountability, good governance, checks and balances, the rule of law and compliance with human rights.
 - Interim governance should be based on an interim constitutional document that may be adopted by the interim government and National Consultative or Transitional Council at the outset of the transitional period.
 - Interim governance should be progressively legitimated by electoral acts. This includes the election to a Provisional National Congress, possibly some six to nine months into the transition.
 - Electoral acts, including referenda, should be conducted in accordance with the principles of genuine democracy and applicable international standards, with the involvement of the United Nations as may be requested by the authorities in Libya.

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- Important decisions affecting the longer-term future of the country should be taken by bodies that have obtained democratic legitimization. In particular, drafting of the constitution should take place after the Provisional National Congress has been elected, and be conducted under the authority of that body. The drafting body would be fully representative of all segments of Libyan society, including women. The process would be public and fully transparent and subject to public consultation throughout. Upon adoption of a constitutional text by the Provisional National Congress, the constitution is to be subjected to public referendum.
- After the adoption of the permanent constitution, a new electoral law will be created in accordance with the constitution, along with an electoral commission.
- Parliamentary, and possibly Presidential elections will be held with UN involvement, as the authorities in Libya may request.
- The transitional period ends when the newly elected National Assembly/Congress meets and appoints a new government.

15. The sequencing set out in the latest revised "Constituent Covenant for the Transitional Period" adopted by the National Transitional Council is largely consistent with these principles, envisaging the formation of an interim government by the NTC within 30 days and elections to a 200-member National Council taking place within 240 days after "the proclamation of liberation."

Election pre-conditions and timeline

16. DPA/EAD's planning assumptions are based on a conceptual division of preparations for elections in two phases – a "political pre-conditions" phase and the "electoral process phase." During the political pre-conditions phase three fundamental conditions have to be fulfilled:
- Comprehensive electoral legislation (including the electoral system) must be in effect, covering all phases of the process.
 - An electoral management body must have been established and adequately resourced
 - Budgetary provisions must have been agreed and sufficient initial funds must be available.
17. It is critical that all the major political decisions are taken and embodied in the legislation to allow the electoral process to proceed smoothly. These include:
- Structure and appointment criteria of the Election Management Body and its members
 - Election Commission's key rules and regulations
 - Voters' eligibility criteria
 - Special provisions for voting of IDPs, refugees and other special categories
 - Electoral system
 - Electoral boundaries/constituencies

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- Seat allocation/female quota/minority representation
- Registration criteria for political parties/coalitions
- Candidate eligibility
- Tabulation, announcement and certification of results
- Electoral offences and complaint mechanisms
- Political campaign rules for parties, candidates and media
- Observation (domestic/international)

18. DPA/EAD estimates that it would take six months to organize polling once the pre-conditions are met. Libya has a rather reliable system of issuing family books, which could be used to create the preliminary voters' register. However, the lack of experience with political parties, sensitivity of candidate vetting and time needed for voter education are factors to be taken into account. An estimated 40,000 registration and polling staff, with no previous electoral experience, will have to be recruited and trained.

19. The electoral process must be Libyan-driven, but there are already strong indications that a major UN role is likely to be requested. It will be essential to ensure coherence in international electoral assistance. To fulfill this, the UN mission should have a clear mandate to lead and coordinate international assistance efforts. In accordance with Policy Committee Decision 2010/23, all UN electoral assistance should be delivered in a fully integrated manner, under the chief of the mission's electoral component. DPA/EAD is nearing completion of planning papers covering the legal framework, UN electoral assistance structure and staffing, electoral systems, electoral management body options, budgeting, candidate vetting, voter register, complaints system, voter education, out-of-country voting, and electoral operations activities/timelines. The three phases of staffing require:

- a six-person advance team to be included in the mission deployment as soon as possible
- a core team of advisers, most of whom should be deployed before the end of the pre-conditions phase
- field staff to be in place before the beginning of any major country-wide electoral process, such as voter registration update.

Electoral staffing will include UNDP participation with regard to the longer-term capacity development of the electoral management body, civic and voter education, and support to domestic monitoring groups if appropriate. UNOPS and/or UNDP procurement support is likely to be required.

Participation of women

20. A senior gender adviser contributed by UN Women will ensure the mission's efforts to promote the participation of women in all facets of the transition, as well as to integrate gender-specific

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protection measures in the post-conflict security context and to reflect gender sensitivity of all areas of the mission's work.

Strategic communications

21. A key part of supporting the credibility of transitional authorities and efforts to promote national reconciliation will be the UN's own messaging. A senior chief of communications will accompany the SRSG from the outset and develop a communications capacity and strategy which as far as possible establishes a common discourse shared by the Libyans and the mission regarding the UN's objectives and role, and maximises the consistency of public statements by any other UN actors.

State authority, accountable institutions and restoration of public services

22. The political facilitation and communications strategy of the mission will seek to support the authority of the state, which will depend on the belief of citizens that the transitional authorities are embarking upon a new era of accountability. The DSRSG/RC/HC will coordinate priority efforts of UN agencies to assist in the restoration of public services, and ensure their complementarity with the efforts of other international actors. A senior public administration adviser contributed by UNDP will work with the transitional authorities on local governance issues, including capacity development with regard to decentralization.

Human rights and transitional justice

23. The mission will include senior advisers on human rights and transitional justice identified in agreement with OHCHR. National reconciliation and avoidance of reprisals will require clear signals on accountability within the law for leading perpetrators of human rights violations, as well as other measures of transitional justice such as reparations and a possible truth and reconciliation process. Decision-making - let alone implementation - should not be rushed, but a credible statement of intent and the framework for accountability will be a matter of priority, on which the UN should be ready to advise and eventually assist if requested. The International Criminal Court and the International Commission of Inquiry mandated by the Human Rights Council will want early access to evidence and witnesses to pursue their mandates, and advice will be required on their relationship to national processes. As much attention must be paid to immediate and future protection of human rights as to past abuses.

Economic recovery

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24. Leading roles on economic recovery are expected to be taken by the World Bank and the International Monetary Fund, together with the European Union and leading bilateral actors. The mission will include a senior economic adviser, to link the SRSG and DSRSG/RC with these actors. Immediate action will be necessary to lift sanctions and unfreeze assets to ensure the availability of funds to the transitional authorities. The resumption of oil production and export will be the most critical element of economic recovery.
25. UNDP envisages contributing to economic recovery by facilitating the participation of youth and women in the recovery process through vocational training, involvement of civil society organizations and women's groups. At a macro-economic level, UNDP will be ready to build on its earlier support to the Public Procurement Authority in the establishment of a transparent and accountable contracts and procurement regime.

Coordination

26. The London Conference envisaged the UN taking the leading role in coordinating post-conflict assistance to Libya, and several international actors and Libyan interlocutors have expressed the wish for this to be the case. The need for effective coordination will be great, as transitional authorities of limited experience will be confronting many simultaneous challenges and should not be diverted by multiple demands for their time to engage with international actors. The challenge will also be great, as the prominence of Libya on the international agenda will inevitably produce a rush of post-conflict actors. The SRSG and DSRSG/RC will be ready to support the transitional authorities as may be requested in coordinating overall international assistance, and will be staffed accordingly. UNDP was the government's main partner in sourcing technical cooperation from the international community, and will contribute an aid coordination specialist.

UNDP and the UN Country Team

27. UNDP has developed a Surge Plan to scale up UNDP's capacities to address immediate recovery needs and prepare to launch medium-term support to Libya's transition. The UN Country Team is currently undertaking an exercise to review the comparative advantages and capacities of the UNCT to respond to needs identified in the pre-assessment, focusing on the first three months and the next 9 months thereafter. The DSRSG/RC will be an essential immediate member of the mission. To ensure coherence of efforts in the immediate post-conflict phase, a number of posts in the mission will be staffed by agency staff, following models implemented in other contexts. This arrangement would facilitate greater integration of the UN system's efforts in Libya at both strategic and operational levels and would ensure that immediate and subsequent mission and agency activities are coherent and synchronised. While funded by relevant

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agencies, agency staff would be included in the advance team staffing table and would access the advance team's support arrangements. This arrangement would include agency staff positioned as head of teams where relevant/appropriate, with oversight responsibilities over non-agency staff, and vice versa. This approach and the alignment of UNDP's Surge Plan and the mission remains subject to consultation with UNDP, and the possible roles identified above for staff contributed by agencies are subject to consultation with the agencies concerned.

Humanitarian coordination

28. The scale of immediate post-conflict humanitarian needs will depend on the manner in which the conflict ends, especially in Tripoli, and the degree of further damage to infrastructure, disruption of basic supplies and services, and displacement. The duration of need will depend on how quickly liquid funds are available to the transitional authorities, and food, medicines and other supplies can be imported and purchased. The transition from the humanitarian phase to recovery and development should be accomplished as quickly as possible. While this will not require the integration of a humanitarian component within the mission, this transition is likely (subject to final judgment in the light of the actual situation) to be best managed by a DSRSG/RC/HC. Assisting the return of persons displaced by the conflict will be a humanitarian priority.

One UN

29. The UN can only credibly lead in overall international coordination if it can coordinate itself. The pre-assessment process and the mission concept follow a fully integrated approach. Initial UN deployment to Tripoli will be constrained by security considerations and support capacity, and must be phased according to a strict sense of priorities, responsive to requests of the Libyan transitional authorities. The current UN agency presence in Benghazi cannot pre-empt prioritization for Tripoli or elsewhere, including Benghazi itself in a new context. A multi-track planning process will be implemented as soon as possible after the conflict has ended: to identify and fund immediate humanitarian needs, to undertake integrated mission planning, and to carry out a post-conflict needs assessment (PCNA). Any proposed UN missions for assessment or other purposes should take place only as agreed by the SRSG. The Chairperson of the UN Development Group/Administrator of UNDP has agreed that a UNDP-administered multi-donor trust fund (MDTF) should be established, and that this should now be taken forward by the Resident Coordinator and the Development Coordination Operations Office (DOCO). There will be limited donor funding available for a country with enormous assets and resources: UN entities should seek funding, and donors should be encouraged to contribute to UN project activities, only through the MDTF.

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Overall Mission and phasing

The substantive staff proposed for the three-month mission, if there is no operational UN military or police deployment, is approximately 61, mostly in Tripoli with a second mission location in Benghazi. To this must be added mission support, international field support, security and close protection personnel. The support requirement and the possible locations will be increased in the event of a deployment of UNMOs and/or UNPol. Phasing will depend on the security context, support constraints and the priorities agreed between mission leadership and Libyan authorities. Every effort will be made to ensure that the size and visibility of the overall UN presence is no greater than is required by Libyan needs and requests.



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